

REMARKS

Claim 1 has been amended to generally include the limitations of claims 3 and 7 and to include some clarifying recitations as well. Thus, while the Examiner has never considered a claim of the scope of amended claim 1, the rejections of claims 3 and 7 would seem most relevant for discussion. Claim 3 was rejected under 35 U.S.C. § 102 based on Benson U.S. Patent No. 2,570,909, and claim 7 was rejected under 35 U.S.C. § 102 based on Benson et al. and Rosenkranz U.S. Patent No. 3,006,560. However, it is the position of the Applicants that claim 1, as amended, is not anticipated by either of these references as now will be discussed.

In neither reference does a spring urge a nose of a plunger out of a spray head. In the invention of the Applicants, this is important because the device will not work unless the nose of the plunger is exposed outside of the spray head. As shown in Rosenkranz and Benson et al., the alleged nose is never urged to a position out of either device.

Moreover, to reject claim 7 based on Rosenkranz, the Examiner identified element 34 as the claimed base and element 37 as the claimed spring. However, not only does the spring 37 not urge the plunger out of the spray head (as discussed above), but also it does not engage the base. Amended claim 1 requires that the spring engages the plunger base, and the spring 37 of Rosenkranz does not engage element 34.

Regarding Benson et al., to reject claim 3, the Examiner identified collar 23 as the claimed rib. However, element 23 is not a rib pressing into a gasket, but rather a collar to hold the gasket in place (Column 3, lines 24-27). Moreover, claim 1 now requires that the rib be positioned to press into the seal on the side of the seal opposite to the claimed rim. There is no structure in Benson et al. which responds to that recitation.

With respect to original claim 7, it was the position of the Examiner that the spring 12 anticipated the claimed features. As discussed above, spring 12 does not urge the valve stem 19 out of the spray head. Moreover, claim 1 requires that the spring be in the spray head. The Examiner has identified

element 20 of Benson et al. as the spray head, but spring 12 is not in element 20 but rather is in housing 5.

Thus, it is believed that claim 1 is in condition for allowance. As such, the claims which depend therefrom are likewise allowable. However, at least some of these claims are allowable of their own merit. For example, claims 17 and 18 recite the features permitting the nose to be removable from the stem. In this regard, claim 19 has been rewritten in independent form to include the recitation of claims 17 and 18, and thus, the rejection of claims 17-19 is germane.

These claims were rejected as obvious under 35 U.S.C. § 103 based on Marty et al. U.S. Patent No. 4,562,960. It is the position of the Examiner "that constructing a formerly integral structure in various elements involves only routine skill in the art." However, Applicants did far more than merely making a previously one-piece item into two pieces. To do so, Applicants found that the plunger base now must include a stem, and the nose is hollowed out so that it can slip onto the stem. Then the outer wall of the nose must be provided with a slight draft or taper so that under normal use it will stay in the spray head, but with the application of some degree of force, it can be popped out of the spray head for replacement.

Thus, claims 17-19 require much more than merely making the plunger of Marty et al. in two pieces. The plunger stem 70 of Marty et al. never engages the annular ring 26 of the housing 12. Therefore, routine skill in redesigning Marty et al. would not have required making a nose with a tapered wall having a portion which is larger than the aperture that it is going through. There would be no suggestion to make the stem 70 of Marty et al. tapered and having a portion larger than the annular ring 26. As a result, more than routine skill would be involved, and Applicants believe that dependent claims 17 and 18 would be independently allowable, and independent claim 19 is allowable as well.

Claim 10 has been rewritten in independent form as Applicants believe that it is also independently patentable. Original claim 10 recited the second seal and was rejected under 35 U.S.C. § 102 based on Benson et al. or

Marty et al. With respect to Benson et al., only one seal, gasket 22, is shown. The Examiner identifies the second seal as 25, 26, but these are merely the opposed faces of the single seal 22. With respect to Marty et al., the second seal is identified by the Examiner as seal 49. This seal is positioned between the faucet spout 14 (identified by the Examiner as the claimed tube) and the partition member 18. Claim 10 requires that the second seal be positioned between the tube and the spray head. The Examiner identifies housing 12 of Marty et al. as the spray head. But seal 49 is not between "tube" 14 and "spray head" 12, but rather is between spout 14 and partition member 18. Thus, Marty et al. does not anticipate claim 10, and it, and its dependent claim 13, are in condition for allowance.

It should be noted, in passing, that the recitation of the spring in claim 13 is also not anticipated by Rosenkranz or Benson et al. for the same reasons as discussed relative to claim 1, and thus claim 13 would be allowable irrespective of its dependency from claim 10.

Claim 15 has also been amended and rewritten in independent form. This claim recites, *inter alia*, the spray apertures 70 positioned adjacent to the opening 40 in the top surface 23 of the spray head 21. Original claim 15 was rejected under 35 U.S.C. § 102 based on Marty et al. However, the "spray head" 12 of Marty et al. has no top surface with an opening and adjacent spray openings passing therethrough. The "plunger" 70 of Marty et al. passes through an annular seat 36 which is not part of the "spray head" 12. While there is thus an opening in that annular seat, there are no spray openings which pass through any upper surface adjacent to that opening.

As a result, Marty et al. is deficient as a 35 U.S.C. § 102 reference, and claim 15 should be in condition for allowance. Its dependent claim, claim 16, likewise recites structure not found in Marty et al. This reference has no radially directed apertures in a spray head, nor has the Examiner alleged that there are any such apertures. Thus, claim 16 would be allowable irrespective of its dependency from claim 15.

Claim 20 has been amended to generally include the recitations of claim 25 with some additional clarifying language. Original claim 25 was

rejected under 35 U.S.C. § 102 based on Benson et al. or Card U.S. Patent No. 2,009,575, and under 35 U.S.C. § 103 based on the combination of Rosenkranz and Neuner U.S. Patent No. 6,341,706. Applicants believe that claim 20 is allowable based on the following reasoning.

First, regarding Benson et al., as previously discussed, there is no plunger which has a nose which normally extends out of a spray head. Further, while the Examiner has not identified a shelf in the "spray head" 20, the only thing that could be a shelf is face 26. But that face receives the entirety of the seal and does not have a rib to press into one side of the seal while a rim of the base presses into the other side of the seal. Thus, Benson et al. is deficient as an anticipating reference.

Similarly, Card has no shelf which receives the majority of a seal. The Examiner has identified the "shelf" of Card as that portion of the housing that has seat 34 (identified by the Examiner as Applicants' rib). But nothing other than seat 34 touches the washer 35, and therefore, the majority of the washer is not on any shelf. Moreover, if seat 34 is the rib of the Applicants, there is no rim in Card which presses into the other side of the seal.

Finally, with respect to the 35 U.S.C. § 103 rejection of original claim 25, the Examiner addressed the claimed "rib," but did not address the claimed "rim." Thus, even the combination of Rosenkranz and Neuner does not have a rib on a shelf to engage one side of a seal, and a rim on the base of a plunger to engage the other side of the seal. Nor does the combination suggest that the majority, but not all, of the seal be positioned on a shelf. And, of course, the combination does not provide the deficiency of Rosenkranz, previously discussed, that the nose of the plunger never extends out of the spray head. For all of these reasons, amended claim 20 is allowable over this combination of references.

It is thus the position of the Applicants that claim 20 and the claims that depend therefrom are in condition for allowance. But again, some of the dependent claims would be allowable of their own merit. For example, claim 26, rejected in view of the Rosenkranz/Neuner combination, would be independently allowable because that combination of references does not have a spring

between a tube and the base of a plunger to urge the nose of the plunger out of the spray head.

Claim 31 has been amended to include the recitations of claims 32 and 33. These claims were originally rejected under 35 U.S.C. § 103 based on a combination of Gilmour U.S. Patent No. 2,536,167 or the Vita-Mix device and Schwaderer et al. U.S. Patent No. 5,238,221. It is the position of the Examiner that Gilmour or the Vita-Mix device discloses the claimed invention except for the connecting device and that Schwaderer et al. discloses a connecting device having a button 31, a valve 13 and a spring 17. Even assuming, *arguendo*, that Gilmour or the Vita-Mix device discloses the claimed invention, Schwaderer et al. does not disclose or suggest the claimed connecting device. Most specifically, Schwaderer et al. has no operating button, and the element which the Examiner identifies as a button is housing 31. Thus, Schwaderer et al. has no button at all and is operated by pushing hose stem 21 inwardly. As a result, claim 31 and its dependent claims should be in condition for allowance.

The last independent claim to be discussed is claim 36 which has been rejected as obvious based on the Gilmour/Schwaderer et al. combination. This claim essentially recites the salient features of all of the other original independent claims, and Gilmour is quite deficient as a base reference. Specifically, there is no rim in Gilmour which presses into a seal. Rather, the sealing function in Gilmour is accomplished by one flat surface engaging another flat surface. Claim 36 is, therefore, not rendered obvious by this combination of references.

Claims 3-5, 7, 8, 25, 28, 30, 32 and 33 have been canceled in this amendment, and there are now two more independent claims than were previously paid for. Therefore, a check in the amount of \$200.00 is enclosed. In the event that the enclosed fee is not sufficient, the Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 18-0987.

In view of the foregoing amendments and discussions, it is believed that claims 1, 2, 6, 9, 10, 12-23, 26, 27, 31 and 34-38 are in condition

for allowance, and the issuance of a formal Notice of Allowance is earnestly solicited.

If any further issues remain after this amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

A handwritten signature in cursive script, reading "Edward G. Greive". The signature is written in dark ink and is positioned above a horizontal line.

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